

**THE ARIZONA STATE BOARD OF PHARMACY
HELD A REGULAR MEETING JANUARY 15 & 16, 2003
GLENDALE PUBLIC LIBRARY - GLENDALE, ARIZONA**

The following Board Members and staff were present: President William E. Jones, Vice President Paul Draugalis, Linda McCoy, Dennis McAllister, Gerald Ritt, Eugene Drake and Daniel Ketcherside; Compliance Officers Ed Hunter, Cheryl Frush, Mitzi Wilson and Dean Wright; Deputy Director Hal Wand and Executive Director L. A. Lloyd.

President Jones convened the meeting at 9:05 a.m. and welcomed the audience to the meeting. Deputy Director Wand described the continuing education credit procedure for attending this meeting. President Jones welcomed the audience and made special note of the pharmacy student interns in attendance.

AGENDA ITEM I - APPROVAL OF MINUTES

Following a review of the minutes and an opportunity for questions and **on motion by Mr. Draugalis and Mr. Ketcherside**, the minutes of the Regular Meeting of November 6 & 7 2002 were unanimously approved as written.

AGENDA ITEM II - PERMITS/LICENSES

Pharmacy Permits

Deputy Director Wand advised the Board that pharmacy permits listed below included several non-resident applications, he further elaborated on those that presented unusual application responses and indicated that the balance of the applications were in order and that all fees have been paid. Individuals representing various applications were present and responded to questions from Board Members. At the conclusion of questions from Board Members and **on motion by Mr. Draugalis and Mr. Ketcherside** the Board unanimously approved the pharmacy permits itemized below, subject to final inspection by the compliance officer where appropriate. The following pharmacy permit application was denied: Riverside Pharmacy-Lake Havasu City, Arizona.

IN-STATE

<u>Pharmacy</u>	<u>Location</u>	<u>Owner</u>
Albertson's # 0926	12970 W. Indian School Rd., Litchfield Park, AZ 85340	Albertson's Inc.
Albertson's #1027	1980 McCulloch Blvd., Lake Havasu City, AZ 86403	Albertson's Inc.
Bashas' United Drug #051	1122 N Higley Rd., Mesa, AZ 85205	Bashas' United Partnership
Bashas' United Drug #073	2864 N. Power Rd., Mesa, AZ 85215	Bashas' United Partnership
Centrum Healthcare	1870 W. Prince Rd., #26 & 27, Tucson, AZ 85705	Korman LLC
Eckerd Drugs #5310	5400 E. Carefree Hwy., Carefree, AZ 85331	Eckerd Corporation
Eckerd Drugs #5313	1750 E Broadway Rd., Tempe, AZ 85282	Eckerd Corporation
Fry's Food & Drug #079	2626 S. 83 rd Ave., Phoenix, AZ 85043	Smith's Food & Drug Centers, Inc.
Fry's Food & Drug #668	985 E Riggs Rd., Chandler, AZ 85249	Smith's Food & Drug Centers, Inc.
Home Pharmacy Services Inc.	1110 E. McDowell Rd., Phoenix, AZ 85006	Home Pharmacy Services Inc.
Medical Arts Pharmacy	2058 S. Dobson Rd., Mesa, AZ 85202	(O) T-Med Products
Safeway Pharmacy #1749	9100 N. Silverbell, Marana, AZ 85653	Safeway Inc.
Safeway Pharmacy #1819	18495 E. Queen Creek Rd., Queen Creek, AZ 85242	Safeway Inc.
Tatum Drugs	28248 N Tatum Blvd., Cave Creek, AZ 85331	N Kaplan / V Chiarelli
Wal-Mart Pharmacy #10-3465	5010 N. 95 th Ave., Glendale, AZ 85305	Wal-Mart Stores
Walgreens Drug #6599	13227 N 7 th St., Phoenix, AZ 85022	Walgreens Arizona Drug Co.
Walgreens Drug #7387	10710 W. McDowell Rd., Avondale, AZ 85323	Walgreen Arizona Drug Co.
Yuma Rehabilitation Hospital	901 W. 24 th St., Yuma, AZ 85364	Health South Corporation

NON-RESIDENT (out of state)

<u>Pharmacy</u>	<u>Location</u>	<u>Owner</u>
Accurate Pharmacy	550 Hemphill, Fort Worth, TX 76104	Accurate Med. Equip. & Supply Inc.
Alliance Pharmaceutical Group	822 7 th St., Suite 630, Greeley, CO 80632	Alliance Pharmaceutical Group LLC.

**State of Arizona
Board of Pharmacy**

2

**Board Meeting
January 15-16, 2003**

Ambulatory Pharmaceutical Services	9652 Loiret Blvd., Lenexa, KS 66219	IHS Acquisition XXX Inc.
Chronimed Pharmacy	10900 Red Circle Dr., Minnetonka, MN 55343	Chronimed Inc.
CuraScript Pharmacy Inc.	7101 TPC Dr., Suite 150, Orlando, FL 32822	CuraScript Pharmacy Inc.
Custom Compounding Centers	12602 Valley View St., #140 Garden Grove, CA 92845	Custom Compounding Centers Inc.
Express Pharmacy Services	10991 NW Airworld Dr., Kansas City, MO 64153	Eckerd Corporation
Express Pharmacy Services #5999	8275 Bryan Dairy Rd., Largo, FL 33777	Eckerd Corporation
Express Pharmacy Services #6306	620 Epsilon Dr., Pittsburgh, PA 15238	Eckerd Corporation
Heartland Home Healthcare and Hospice	750 Holiday Dr., #110, Pittsburgh, PA 15220	In Home Health Inc.
Ken Drugs	1612 W. Waters Ave., Tampa, FL 33604	Kenneth Shobola
Marlin Medical Group	3600 Commerce Blvd., Suite 203, Kissimmee, FL 34741	Marlin Medical Group LP
Med Script Services	13645 Shoreline Dr., Earth City, MO 63045	Unity Health-Med Script
Medwise Pharmacy Inc.	17447 Kuykendahl #250, Spring, TX 77379	Medwise Inc.
NuFactor Inc.	41093 Country Center Dr., Temecula, CA 92591	NuFactor Inc.
Pediatric Services of America Inc.	6145 Northbelt Pkwy, Suite A, Norcross, GA 30071	Pediatric Services of America Inc.
Pharmanet Inc.	7000 SW 97 th Ave., Miami, FL 33173	Guillermo J. Delgado
Precision Rx	5450 N. Riverside Dr., Fort Worth, TX 76137	Precision Rx Inc.
Savon.com #5805	2510 El Camino Real, Suite A, Carlsbad, CA 92008	Albertson's Inc.
Specialty Pharmacy Services	8275 Bryan Dairy Rd., #200, Largo, FL 33777	Eckerd Corporation
Superior Drugs	9920 NW 27 th Ave., Miami, FL 33147	Creative Pharmacy Services Inc.

(O) = New Ownership

Wholesale Permits

Deputy Director Wand advised the Board that, with the exception of Riverside Wholesale, Inc. of Lake Havasu City the wholesale permits were in order and all fees have been paid. Board Members directed questions to various representatives from firms applying for wholesale drug permits. On completion of their questions; **on motion by Mr. McAllister and Mr. Drake**, the Board unanimously approved the following applications:

<u>Wholesaler</u>	<u>Location</u>	<u>Owner</u>
Community Clinical Pharmacy	1450 S. Dobson Rd., Suite 102, Mesa, AZ 85202	A. D. C. Apothecary Inc.
A & E Medical Supplies	2732 E. McKellips Rd., #103, Mesa, AZ 85213	Mary Ann Ross
Arizona Production & Packaging LLC	1102 W. Southern, Suite 4, Tempe, AZ 85282	(N/P) Arizona Production & Packaging LLC
Atlantic Biologicals Corporation	1870 W. Prince Rd., #36, Tucson, AZ 85705	Atlantic Biologicals Corporation

(N/P) = Non-Prescription Drugs only

Pharmacist Licenses and Pharmacy Intern Licenses

Following a review of the roster of applicants for licenses as pharmacists and pharmacy interns and on assurance by the staff that all applications are in order and all fees paid: **on motion by Mr. Draugalis and Mr. Drake**, the Board unanimously approved the following licenses:

Pharmacists: S13453 through S13506 and, Pharmacy Interns I05887 through I05897. For a complete list of individual names see attachments A and B.

AGENDA ITEM III - REPORTS

Executive Director Lloyd referred Board Members to the written report included in the meeting book and asked if there were any comments or questions. Mr. Lloyd specifically called the Board's attention to the issues relating to a proposal to initiate a 'Senior Prescription Program' in Arizona. Board Members initiated questions and pursued discussion on this matter. Lacking a final-draft of the proposal, no action was taken by the Board, however interest and continued monitoring by staff was encouraged. Mr. Lloyd distributed and discussed the Board's financial report through December 31, 2002 and provided an up-date on the office space expansion project.

Mr. Lloyd requested approval from the Board to attend the annual APhA meeting in March. Without objection this request was approved.

Deputy Director Wand called the Board's attention to the Compliance Officer Activity Report in the meeting book. Mr. Wand elaborated on the impact of less than full Compliance Officer staffing for 6 months of the calendar year and reminded the Board that once again we are facing the task of interviewing for the position of compliance officer. Staff hopes the position will be filled and the person will be trained and productive within six weeks.

Pharmacists Assisting Pharmacists of Arizona, Brad Barron-Steering Committee Chairman and Lisa Yates-Administrator appeared to present the PAPA report. Current statistics include: 36 active participants, 3 new participants, and one termination of a participant's contract subsequent to the last report. Mr. Barron called the Board's attention to individual participants' progress or problems as shown in the written report and invited questions from the Board. In conclusion, President Jones thanked Mr. Barron and Ms. Yates for their dedication and service to the profession, the public and to the Board.

Arizona Pharmacy Association, Executive Director Kathy Boyle addressed the Board and focused on the association's priorities relevant to the current legislative session, the Senior Prescription Card proposal and the Drug Therapy Management Committee status. Board Members directed questions to Ms. Boyle and topics were discussed to everyone's satisfaction.

President Jones declared a brief recess and reconvened the meeting at 10:15 a.m.

AGENDA ITEM IV - STANDARD REGISTER (SECURE RX PADS etc)

Jennifer Stefanics representing Standard Register Co., a business forms printer and secure documents innovator was present to discuss the security benefits of having prescriptions, particularly controlled substance prescriptions written on security or copy protected paper. Ms. Stephanics provided a brief history of the company; an overview of states that require controlled substance prescriptions to be written on security paper to prevent photocopying or alterations to the prescription. Ms. Stephanics provided samples of security paper and described the various types of security features.

Board members and staff directed numerous inquiries to Ms. Stephanics relative to the benefits of using security paper for prescription writing. Upon conclusion of the dialog, President Jones thanked Ms. Stephanics for her presentation.

AGENDA ITEM V - DEFINITION OF THE 'PRACTICE OF PHARMACY'

President Jones invited Board Member Dennis McAllister to initiate the discussion on this topic. Mr. McAllister began by asking a question: "What will the Board's position be in the future relevant to regulating the practice of pharmacy with the goal of focusing on protecting the public health?" Who will need to be licensed and or certified by the Board of Pharmacy to safely provide pharmacy services to the public? One only has to consider the evolution of pharmacy services over the past 25 years to appreciate the advances in technology, medication delivery systems and patient medication outcomes monitoring...to speculate on the state of the profession in the year 2025 and to predict the education and training necessary to meet the health-care demands of the future.

In addition to the scientific advances in medication development, one needs to consider the future education and training needed to provide pharmaceutical care services in the future. All this begs the question... how can today's regulators best prepare to insure that tomorrow's citizens will be well served by pharmacy service providers.

Mr. McAllister suggested that the Board do an in-depth analysis of the current definition of the practice of pharmacy; make an honest effort to project this definition into the future and evaluate the probable revisions that will be required.

Kent Taylor, R. Ph. and chairman of the Arizona Retailers Community Pharmacy Committee provided a handout addressing this issue. Other Board Members offered suggestions and inquired if NABP has addressed this issue.

Following the discussion, President Jones suggested that a Task Force be appointed to probe into this issue. The following persons were asked to serve on the task force: Dennis McAllister(Chair), Linda McCoy, Dan Ketcherside, a Board of Pharmacy Compliance Officer, state pharmacy association representatives, in state colleges of pharmacy representatives and Kent Taylor representing the Arizona Retailers Community Pharmacy Committee.

No specific time-frames were assigned nor was there a sunset date suggested for the task force.

AGENDA ITEM VI - PROPOSED RULES AND FIVE-YEAR RULES REVIEW

President Jones invited Compliance Officer/ Rules Writer, Dean Wright to present the issues relating to this topic. Mr. Wright began by discussing the 'time-frame' rule relating to how quickly the Board will respond to properly presented 'special requests'. In reviewing the progress in developing this rule, Dean called the Board's attention to the draft language included in the Board Meeting material and itemized how the new language will impact on the Board's future decisions. In conclusion Mr. Wright stated that no formal action was required at this meeting and that the lack of objections serves as an endorsement to continue to refine the material presented at this meeting with a revised version to be reviewed at the March Meeting.

The Long-term Care Pharmacy Rules and Economic Impact Statement, were presented to the Board for possible final approval. Mr. Wright provided a brief review of the activity in refining this rule to meet the approval of both the Board and the stakeholders. At the conclusion of a thorough discussion and **on motion by Mr. McAllister and Mr. Draugalis**, the Board voted unanimously in favor of approving the notice of final rulemaking and the economic impact statement relating to R4-23-110; 672; 674; 701; 701.01; 701.02; and 701.03.

The last rule for discussion at this meeting relates to R4-23-670, 671 & 675 - **Limited Service Pharmacy Rules & Sterile Pharmacy Compounding Rules**

Once again, Mr. Wright provided background and presented information sent to the Board by a national professional pharmacy association. Mr. Wright reviewed all major proposed changes and called attention to numerous textual changes that were made pursuant to suggestions received from interested parties. Comments and questions were solicited...comments from Board Members and staff were discussed. At the conclusion of the discussion, Board Members agreed that staff should pursue the revisions and final draft for consideration at the next regular meeting.

Relevant to the **Five Year Rules Review** to be completed by June 30, 2003, Mr. Wright elaborated on the sections needing to be reviewed and President Jones requested staff to assign various sections to each board member and notify them by mail of the process and procedure for review as well as the deadline for completion.

AGENDA ITEM VII - UPDATE ON PRESCRIPTION COMPOUNDING

President Jones introduced this topic for discussion and invited Board Member Dennis McAllister to provide background and comment.

Mr. McAllister suggested that although we presently have rules addressing prescription compounding, it is prudent for the Board to be certain the rules are contemporary with practice standards and public safety. Other Board Members, staff and audience members offered comments and suggestions on the 'state-of-the-art' relating to pharmacy compounding.

The volume of interest and the scope of the issue, prompted the Board to agree to establish a 'Task Force' of practitioners, board members and staff to review the issues and present suggestions to the Board for discussion. President Jones and Board Member Ritt will co-chair the Task Force, with members to include practitioners from major practice disciplines.

AGENDA ITEM VIII - APPROVAL OF COLLEGES OF PHARMACY

Executive Director Lloyd provided background relevant to the process, procedure and necessity of the Board establishing and itemizing the college and university programs that it recognizes as being 'approved' for the purpose of licensure of candidates and their academic qualifications. Following an in-depth discussion and review of accredited programs, **and on motion by Mr. Draugalis and Mr. McAllister**, the college/university programs leading to either a baccalaureate or doctorate degree in pharmacy are established as approved by the unanimous affirmative vote of the Arizona State Board of Pharmacy. See attachment C for details.

AGENDA ITEM IX - CONSUMER COMPLAINT REVIEW

President Jones requested Board Members Ketcherside and Draugalis acting as the Consumer Complaint Review Committee to present the results of the committee's work. Mr. Ketcherside and Mr. Draugalis individually addressed each of the twenty-four complaints that were reviewed and called the Board's attention to the summaries provided in the meeting material. Their comments facilitated the Board's understanding in these issues. Ten of the complaints were recommended to be dismissed as they failed to present evidence of violations of rules or statutes relevant to the practice of pharmacy. Of the remaining complaints eight have been given a committee recommendation of sending a letter admonishing the pharmacist, and six were recommendations that require the pharmacist(s) to appear before the Board for an informal/non-disciplinary conference. Following a discussion by Board Members and **on motion by Mr. McAllister and Mr. Drake**, the Board unanimously agreed to adopt the committee recommendations.

- No. 2590 - Dismissed.
- No. 2592 - Dismissed.
- No. 2593 - Schedule Conference.
- No. 2594 - Send letter of warning.
- No. 2597 - Dismissed.
- No. 2598 - Send letter of warning.
- No. 2599 - Send letter of warning.
- No. 2600 - Dismissed.
- No. 2601 - Send letter of warning.
- No. 2602 - Dismissed.
- No. 2603 - Dismissed. Send letter to Veterinary Medical Examining Board.
- No. 2604 - Set up conference.
- No. 2605 - Send letter of warning.
- No. 2606 - Dismissed.
- No. 2607 - Send letter of warning.
- No. 2608 - Schedule conference.
- No. 2609 - Schedule conference.
- No. 2610 - Dismissed.
- No. 2611 - Send letter to pharmacist and doctor regarding legibility of written prescription.
- No. 2612 - Dismissed.
- No. 2613 - Schedule conference.
- No. 2614 - Dismissed.
- No. 2615 - Schedule conference.
- No. 2616 - Send letter of warning.

AGENDA ITEM X - SPECIAL REQUESTS

- No. 1 **ESI Mail Services** was represented by attorney/pharmacist Roger Morris, pharmacist Sherry Zapp, Charles Eller and Carrie Borgen

Ms. Zapp began the presentation by describing the nature of the ESI request and by reviewing the process and procedures relative to the automated prescription processing equipment being installed in the new

ESI facility being completed in Arizona. Ms. Zapp's comments included: safety and accuracy checking, personnel duties, an example of the actual 'path' a prescription would follow in the dispensing process, accuracy verification and documentation and digital record-keeping integrated into this process.

Mr. Morris commented on ESI's experience using an identical automated dispensing device in another ESI facility in another state. Mr. Morris also reviewed statutes and/or rules in several other states that address 'automated dispensing'. In conclusion, Mr. Morris outlined the 'track- record' of the dispensing device being used in the other ESI facility and he further assured the Board that during the first several weeks of operation of the system...additional pharmacist oversight and personal accuracy verification checks will be performed. In conclusion, Mr. Morris invited Board Members or staff to personally visit the facility to fully appreciate its sophistication and accuracy.

Several questions, comments and inquiries were initiated by Board Members and staff. Upon conclusion of the questions and **on motion by Mr. McAllister and Mr. Ketcherside**, the Board voted unanimously to approve ESI's request with the provision that the Board receive periodic accuracy and verification reports during the first six months of operation.

- No. 2 **Mr. George Wiesner** appeared on his own behalf requesting another opportunity to be allowed to seek licensure in Arizona. Mr. Wiesner apologized for his previous indiscretions and advised the Board that his New Jersey license has been reinstated. When asked by the board where he was currently employed and in what capacity he indicated he worked for Wal Mart as a pharmacy technician. Wal Mart District Manager Melisa Christensen verified Mr. Wiesner's statements and indicated that he has received a number of consumer endorsements for his assistance.

Following an exchange of questions and answers from Board Members and **on motion by Mr. McAllister and Mr. Draugalis**, the Board voted unanimously in favor of allowing Mr. Wiesner to pursue licensure in Arizona by first completing 1500 hours of graduate internship, taking and passing both NAPLEX and MPJE.

- No. 3 **Mr. Anibal Rolon**, a licensed pharmacist in New York state appeared on his own behalf requesting permission to reciprocate his New York license to Arizona. President Jones asked Mr. Rolon to provide a summary of the disciplinary action taken by the New York Board on his license. Mr. Rolon's reply implied that the issues were procedural in nature and his license is current and in good standing. Using the disciplinary information received from the New York Board...Arizona Board Members requested specific answers to disciplinary related issues. Mr. Rolon had a difficult time reciting the issues, the time-frames and the outcomes. Board members advised Mr. Rolon that his answers were unsatisfactory and **on motion by Mr. McAllister and Mr. Draugalis**, the Board voted unanimously to deny this request and advised Mr. Rolon that he may submit an additional request in the future and appear before the Board having clarifications and explanations for his prior disciplinary actions.

- No. 4 **Gary Rothschild**, appeared on his own behalf seeking the Board's approval to obtain a Graduate Intern License in preparation for becoming a licensed pharmacist in Arizona. Mr. Rothschild was asked to recap his disciplinary history in and to describe his employment activities during his license suspension. Mr. Rothschild provide an overview of his employment and indicated that currently he was employed with Walgreens as a pharmacy technician while hoping to receive permission to become a licensed graduate intern and continue working toward becoming a licensed pharmacist in Arizona.

Numerous questions were directed to Mr. Rothschild by Board Members relating to his disciplinary history in Pennsylvania . Comments from Board Members indicated a lack of satisfaction with the answers they received. On inquiry by the Board, Mr. Rothschild's supervisor with Walgreens indicated that he was a good employee and seemed to 'fit' into the pharmacy well.

A motion requiring 1500 hours of internship and passing both the NAPLEX and MPJE to become licensed was made and seconded but was withdrawn prior to being voted on. No additional motions were offered and the discussion was terminated.

- No. 5 **Robert J. Jewell** appeared on his own behalf to request permission from the Board to proceed with licensure in Arizona by reciprocity of his Illinois license. President Jones requested Mr. Jewell to describe the events leading to the disciplinary action taken on his licenses in the states of Michigan, North Carolina and Illinois. Mr. Jewell stated that he was actively addicted to opioids and had diverted injectable Demerol for personal use, he was caught, his licenses in North Carolina and Michigan were revoked, he entered a treatment facility, participated in an after-care program and was fortunate enough to keep his disease in remission. His Illinois license was placed on indefinite probation and subsequently reinstated.

The audience at this meeting included about a hundred first year students from Midwestern University College of Pharmacy-Glendale; Mr. McAllister asked Mr. Jewell if he would describe the events leading to his addiction for the benefit of the students. Mr. Jewell obliged. President Jones thanked Mr. Jewell for his willingness and **on motion by Mr. McAllister and Ms. McCoy** the board voted unanimously in favor of allowing Mr. Jewell to proceed with licensure by reciprocating his IL license.

- No. 6 **LuGina Mendez-Harper** appeared representing herself to request a waiver of the Board's requirement to have practiced 400 hours in the past year prerequisite to reciprocating her New Mexico license to Arizona. President Jones asked Ms. Harper to describe her employment for the past five years. Ms. Harper stated that she was responsible for preparing continuing pharmacy education monographs for a national pharmacy professional association. Following a brief discussion, **on motion by Mr. McAllister and Mr. Drake**, the Board voted unanimously to grant Ms. Harper a waiver of the 400 intern hours and allow her to proceed with licensure in Arizona.

Following the decision two Board Members commented on this issue: one indicated that the type of employment Ms. Harper had been engaged in *may* be a part of an expanded definition of the practice of pharmacy being considered by the Board...and the second comment indicated that after being away from the dispensing aspect of practice, some type of short term supervised experience would be beneficial.

AGENDA ITEM XI - CONFERENCES

COMPLAINT No. 2586

Debra Donnelly and supervisor Melanie Malee appeared pursuant to a consumer complaint alleging that a prescription was incorrectly filled and dispensed to a patient and consumed by the patient for a month. President Jones invited Compliance Officer Ed Hunter to describe the findings of the Board's investigation. Ms. Donnelly was asked to provide her recollection of the events leading to this complaint. Ms. Donnelly described the issues and also reported the corrective measures that have been initiated in the pharmacy to preclude a repeat of this incident.

Board Members directed questions to Ms. Donnelly and Ms. Malee relevant to the staffing, the prescription volume and any possible factors that may have contributed to the alleged error. Following the reply from the conferees, President Jones thanked them for appearing and encouraged Ms. Malee to share this information with other pharmacies in her charge. A final suggestion included acquiring a one year subscription to the ISMP Newsletter as a source of preventive maintenance focused on dispensing error-prevention.

COMPLAINT No. 2587

Present were Virginia Dominguez-Walneck, R.Ph. and Melissa Christensen supervisor appeared pursuant to a consumer complaint allegedly involving multiple mix-ups in dispensing either the wrong strength or the wrong quantity of medication to the patient.

President Jones asked Compliance Officer Ed Hunter to report the findings of the investigation. Mr. Hunter believes that Naprosyn 500mg was dispensed instead of Naprosyn 250mg; the patient was advised that the 500 mg could be broken and taken as a 250mg tablet. The allegation involving another family member and another prescription error was less clear. Mr. Hunter stated that there likely would not have been a complaint if proper pharmacist verification and counseling had taken place.

Ms. Walneck stated that the pharmacy policies and procedures have been revised in an effort to prevent future dispensing errors. President Jones acknowledged that several corrective measures have been taken and he reinforced the need to counsel patients using the 'show and tell' process.

COMPLAINT No. 2588

Pharmacist Dan Gransinger and supervisor Joe Hands appeared pursuant to a complaint that in fact was three separate but connected complaints alleging both a dispensing error and a disputed number of tablets received. Compliance Officer Dean Wright investigated this complaint and provided a recap of his findings. President Jones invited Mr. Gransinger to describe his recollection of the incident(s). Mr. Gransinger indicated that he was responsible for a dispensing error, however the dispute involving the miscounted tablets seemed to be an attempt to obtain additional medication. This incident led to an angry exchange of words and an unhappy consumer who subsequently filed a complaint. The issue was unresolved from the consumers view. Mr. Gransinger and Mr. Wright are of the opinion that the medication miscount was never substantiated.

President Jones indicated that the Board would entertain a call to the public and reminded audience members that issues presented at this time could not be addressed by the Board but could be placed on a subsequent agenda for open discussion if appropriate.

Kathy Boyle spoke on behalf of the Arizona Pharmacy Association in recognizing that Board Member Ritt's term was drawing to a close and that his ten years as a Board Member were both productive and appreciated.

President Jones recessed the meeting at 4:55p.m., to be reconvened at 9 a.m. the next day.

President Jones reconvened the meeting at 9 a.m. on January 16th with the following members and staff present: President William E. Jones, Vice President Paul Draugalis, Linda McCoy, Dennis McAllister, Eugene Drake and Daniel Ketcherside; Compliance Officers Ed Hunter, Cheryl Frush, Mitzi Wilson and Dean Wright; Deputy Director Hal Wand and Executive Director L. A. Lloyd.

AGENDA ITEM XII - CONSENT AGREEMENTS

President Jones called on Deputy Director Hal Wand to provide a status report on the consent and hearing calendar. Mr. Wand indicated that all matters on the agenda have been resolved as Consent Agreements or agreed orders that have been reviewed and approved by the Attorney General's staff attorney. Therefore, no hearings are necessary at this meeting. In the Matter of Notice of Hearing **02-0024-PHR**, the respondent advised the Board in writing that she felt the monetary penalty was excessive. A board member commented that because the agreement was signed it should stand as signed, there was no opposition to this proposal.

President Jones asked for the Board's approval to adjudicate all consent agreements with a single motion. There was no opposition to this proposal.

On motion by Mr. Draugalis and Ms. McCoy, the Board unanimously agreed to accept the following Notices of Hearing/Consent Agreements as presented in the meeting material and signed by the respondents:

Kristine Wells	- 02-0019-PHR
Gary Hinchman	- 02-0020-PHR

John J. Wells	- 02-0021-PHR
Steven Weber	- 02-0025-PHR
Stephen T. Bond	- 02-0022-PHR
Suzanne M. Waltz	- 02-0024-PHR

AGENDA ITEM XIII - PHARMACY TECHNICIAN LICENSURE UPDATE

Executive Director Lloyd provided a brief overview on the status of proposed legislation to license pharmacy technicians. Mr. Lloyd indicated that the legislation would be introduced in the Senate and it would be sponsored by Mrs. Carolyn Allen, Chairman of the Senate Health Committee. A provision to allow newly hired pharmacy technicians to begin their training immediately by copying the application, and retaining it in the pharmacy a technician would be considered properly credentialed to be in the pharmacy. This provision was suggested by the Arizona Retailers Community Pharmacy Committee and will be incorporated into administrative rules.

Mr. Lloyd responded to questions from Board Members.

AGENDA ITEM XIV - PROPOSED LEGISLATION

Executive Director Lloyd highlighted other legislative proposals that are ready for introduction including those in the controlled substances statutes and the practice act. The Controlled Substances bill is separate from the Practice Act revisions and is also being sponsored by Senator Carolyn Allen.

AGENDA ITEM XV - DRUG THERAPY MANAGEMENT APPOINTMENTS

President Jones called on Kathy Boyle to address this agenda item. Ms. Boyle indicated that the Osteopathic Association and the Pharmacy Association have submitted names of representatives but the Arizona Medical Association has not. Once the ArMA submits their representative's name a meeting can be convened and Drug Therapy Management Agreements can be reviewed.

AGENDA ITEM XVI - NABP ISSUES

Board Member and NABP Executive Committee Member Dennis McAllister provided status reports on the following issues:

- Constitution & By Laws changes
- Foreign Pharmacy Graduate Licensure Examination
- Proposed Resolution to discontinue the requirement of reciprocating *only* from a license by examination
- ACPE/NABP/APhA....continuous professional development vs. continuing education

Members and staff were encouraged to seek information on these issues and be prepared to discuss them at a subsequent meeting.

AGENDA ITEM XVII - ARIZONA BOARD OF PHARMACY 100 YEAR ANNIVERSARY

Executive Director Lloyd shared some ideas and thoughts with board members and solicited comments and suggestions on how to recognize this milestone in health care regulation in Arizona. More information will be available at the March Board Meeting.

AGENDA ITEM XVIII - ELECTION OF OFFICERS

President Jones advised the board that the annual election of officers would consist of electing a board member to serve as president and one to serve as vice president for the calendar year 2003. President Jones opened the nominations for Board President. **On motion by Mr. McAllister and Mr. Drake**, the name of Paul Draugalis was

placed in nomination. There being no further nominations, the ballot was closed and a vote was called for. Without opposition Mr, Draugalis was elected President.

President Jones opened the the nominations for Vice President. **On motion by Ms. McCoy and Mr. Drake**, the name of Dennis McAllister was placed in nomination. There being no further nominations, the ballot was closed and without opposition Mr. McAllister was elected to serve as Vice President for the calendar year 2003.

President Jones passed the gavel to President Elect Draugalis and wished him well in his presidency.

Members and staff applauded Bill Jones for his excellent handling of the duties as president.

AGENDA ITEM XIX - EXECUTIVE SESSION (personnel matters)

President Jones recessed the open meeting and reconvened the Board in Executive Session at 10 a.m.

AGENDA ITEM XX - ADJOURNMENT

President Jones reconvened the Board in open session and announced there was no further business to come before the Board. **On motion by Mr. Draugalis and Ms. McCoy**, the Board unanimously agreed to adjourn the meeting at 11:50 a.m.